



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,041	09/29/2003	John Harvey	020366D1	2581
23696 7590 11/23/2010 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER SAMPLE, JONATHAN L				
ART UNIT 3664		PAPER NUMBER		
NOTIFICATION DATE 11/23/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

Office Action Summary

Application No.

10/674,041

Applicant(s)

HARVEY ET AL.

Examiner

JONATHAN L. SAMPLE

Art Unit

3664

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Pursuant to communications filed on 27 August 2010, this is a Non-Final Rejections on the Merits. Claims 20-63 are currently pending in the instant application.

Response to Arguments

1. Applicant's arguments, see Remarks/Arguments, pages 12-17, filed 27 August 2010, with respect to the rejection(s) of claim(s) 20-63 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 20-24, 32-36 and 44-48** are rejected under 35 U.S.C. 102(e) as being anticipated by Nietupski et al (US 2002/0140545 A1, hereinafter "Nietupski").

Regarding claim 20, Nietupski discloses an apparatus at a vehicle location for validating a vehicle operator to operate selected functions of a vehicle, comprising: an

input device (Figure 1, telematics unit 13) for entry of vehicle operator identification information (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); a transceiver (Figure 1, wireless communication device 14) for transmitting said vehicle operator identification information to a remote location for validation and receiving from said remote location a reply message specifying which of said selected functions the operator is validated to operate and specifying at least one action to be taken to indicate the validation to the vehicle operator (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); and means for enabling (Figure 3, block 50) said selected functions and the at least one action specified by said reply message (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026).

Regarding claim 32, Apparatus at a vehicle location for validating a vehicle operator to operate selected functions of a vehicle, comprising: an input device (Figure 1, telematics unit 13) for entry of vehicle operator identification information (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); a transceiver (Figure 1, wireless communication device 14) for transmitting a message to a remote location at which vehicle functions are selected based upon said operator identification information, and receiving from said remote location a reply message specifying which of said selected functions the operator is validated to operate and specifying at least one action to be taken to indicate the validation to the vehicle operator (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); and means for enabling (Figure 3, block 50) said selected functions and the at least one action

specified by said reply message (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026).

Regarding claim 44, a method for validating a vehicle operator to operate selected functions of a vehicle, comprising: entering vehicle operator identification information into a device located at said vehicle (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); transmitting said vehicle operator identification information to a remote location for validation (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); receiving from said remote location a reply message specifying which of said selected functions the operator is validated to operate and specifying at least one action to be taken to indicate the validation to the vehicle operator (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); and enabling said selected functions and the at least one action specified by said reply message (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026).

Regarding claims 21-24, 33-36 and 45-48, Nietupski discloses wherein the at least one action may comprise a plurality of remote services including vehicle horn actuation and vehicle interior and exterior lighting actuation (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026). Examiner construes wherein actuation of said interior and/or exterior lights of a vehicle includes at least a vehicle's headlights, tail light(s), and/or interior light(s).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 25-31, 37-43, 49-63** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nietupski et al (US 2002/0140545 A1, hereinafter "Nietupski") in view of Murphy (US 6,232,874 B1).

The teachings of Nietupski have been discussed above.

Regarding claims 25-31, 37-43 and 49-55, Nietupski discloses wherein a vehicle telematics unit is in communication with a response center, which validates a user based on user provided identification information. Nietupski further discloses, based on a successful validation of said user, the service center is sends a message to the user and telematics unit for performing the desired service (activation/disablement),

which may include a particular vehicle subsystem or component of the vehicle (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026). However, Nietupski is silent regarding specifically (re claims 25, 37 and 49) wherein said selected functions comprise impairing operation of a vehicle associated with said apparatus; (re claims 26, 38 and 50) wherein said impairing operation of said vehicle comprises preventing said vehicle from starting; (re claims 27, 39 and 51) wherein said impairing operation of said vehicle comprises disabling a vehicle ignition system; (re claims 28, 40 and 52) wherein said selected functions comprise impairing a fuel system of said vehicle; (re claims 29, 41 and 53) wherein said impairing operation of said vehicle comprises impairing a vehicle transmission; (re claims 30, 42 and 54) wherein said impairing a vehicle transmission comprises limiting the number of gears that may be used during operation of said vehicle; and (re claims 31, 43 and 55) wherein said selected functions are selected from a group consisting of enabling an operation of the vehicle, specifying a time during which the vehicle may be operated, enabling the vehicle to be started; enabling an ignition system of the vehicle, enabling a fuel system of the vehicle, and limiting a number of gears that may be used, during operation of the vehicle, establishing a distance over which the vehicle may be driven.

Murphy discloses a system for restricting use of a vehicle control functions to a user based on the user's identification information. Murphy also discloses wherein the system includes an apparatus with a telecommunication module for exchanging information with a remote facility (i.e. validation of user, authorization of vehicle functions, etc.). Murphy goes on to disclose wherein based on the user's identification

information, a plurality of control actions may be performed, including at least disabling the vehicle ignition system, disabling the vehicle fuel system, impairing the vehicle transmission by further limiting the number of gears that may be used and enabling a permitted distance and/or time range for a user to drive said vehicle (abstract; Figures 1, 2 & 6; at least column 5, lines 33-65, column 7, lines 20-33 and lines 53-67 and column 13, line 29-column 14, line 47). Therefore, based on the teachings of Murphy, it would have been obvious to one of ordinary skill in the art at the time of the invention to include with the teachings of Nietupski, (re claims 25, 37 and 49) wherein said selected functions comprise impairing operation of a vehicle associated with said apparatus; (re claims 26, 38 and 50) wherein said impairing operation of said vehicle comprises preventing said vehicle from starting; (re claims 27, 39 and 51) wherein said impairing operation of said vehicle comprises disabling a vehicle ignition system; (re claims 28, 40 and 52) wherein said selected functions comprise impairing a fuel system of said vehicle; (re claims 29, 41 and 53) wherein said impairing operation of said vehicle comprises impairing a vehicle transmission; (re claims 30, 42 and 54) wherein said impairing a vehicle transmission comprises limiting the number of gears that may be used during operation of said vehicle; and (re claims 31, 43 and 55) wherein said selected functions are selected from a group consisting of enabling an operation of the vehicle, specifying a time during which the vehicle may be operated, enabling the vehicle to be started; enabling an ignition system of the vehicle, enabling a fuel system of the vehicle, and limiting a number of gears that may be used, during operation of the vehicle, establishing a distance over which the vehicle may be driven, since Murphy

discloses wherein the limiting of vehicle functions to a user based on their identification provides for more efficient use of a vehicle, especially pertaining to fleet management, wherein vehicles are only permitted for use during a specified time and/or location. Examiner contends wherein based on the functionality provided in the teachings of Murphy, in the event of a stolen vehicle, a remote operator/facility has the capabilities to disable a desired vehicle function.

Regarding claims 56-61, Nietupski discloses wherein the system sends a reply message to the vehicle operator, indicating whether or not a user has provided a valid user identification (Figure 3; at least paragraph 0025). Nietupski is silent regarding specifically (re claims 56, 58 and 60) wherein the reply message further specifies at least one message for the vehicle operator; and (re claims 57, 59 and 61) wherein the at least one message comprises at least one of a route of travel for the vehicle, an itinerary for the vehicle, and a personal message for the vehicle operator.

Murphy discloses wherein the system further includes a visual and/or audible display module, which presents information to a user, specifically restrictions pertaining to said user based on the submitted user identification information (abstract; Figures 1, 2 & 6; at least column 5, lines 33-65, column 7, lines 20-33 and lines 53-67 and column 13, line 29-column 14, line 47). Examiner notes wherein the information provided to the driver is personal information pertaining to that driver. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include with the teachings of Nietupski, (re claims 56, 58 and 60) wherein the reply message further specifies at least one message for the vehicle operator; and (re claims 57, 59 and 61)

wherein the at least one message comprises at least one of a route of travel for the vehicle, an itinerary for the vehicle, and a personal message for the vehicle operator, since Murphy discloses wherein messages are provided to a user of a vehicle based on their identification, to more efficiently aid said user of the vehicle use restrictions.

Claim Rejections - 35 USC § 102

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claims 62 and 63** are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nietupski et al (US 2002/0140545 A1, hereinafter "Nietupski").

Regarding claim 62, an apparatus for validating, at a remote location, a vehicle operator to operate selected functions of a vehicle, comprising: a transceiver configured to receive vehicle operator identification information and configured to transmit a reply message to the vehicle (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); and a processor configured to validate the operator identification information, configured to generate the reply message specifying which of said selected functions the operator is validated to operate, and configured to generate a notification of the validation and to transmit the notification to a third party (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026). Examiner notes wherein Nietupski performs the algorithm/flow chart shown in Figure 3, to perform a variety of services, such as assistance for emergencies, navigational information and concierge type functions. Examiner further contends wherein in the event of an emergency, the telematics service center performs the algorithm in figure 3, and specifically regarding block 52, would contact the police, fire department, and/or other emergency personnel as a third party for performing the requested service. Examiner also notes wherein Nietupski fails to disclose the specific structure that is included in the remote telematics service center, however based on the disclosure, it is evident that the telematics service center is in communication with said vehicle telematics unit, and as clearly indicated by Figure 3, includes transmitting and receiving capabilities. Further, a processing based device would be obvious, if not inherent, to process the received information, and used to send messages/signals between the telematics service center and the vehicle telematics unit. Therefore, it would have been obvious, if not inherent, to include a

transceiver and a processor at the remote telematics facility for use in said system, providing more efficient communication of information between the telematics service center and the vehicle telematics unit.

Regarding claim 63, a method for validating, at a remote location, a vehicle operator to operate selected functions of a vehicle, comprising: receiving vehicle operator identification information (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); validating the operator identification information (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); generating a reply message specifying which of said selected functions the operator is validated to operate (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); transmitting the reply message to the vehicle (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); and generating a notification of the validation for a third party (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026). Examiner notes wherein Nietupski performs the algorithm/flow chart shown in Figure 3, to perform a variety of services, such as assistance for emergencies, navigational information and concierge type functions. Examiner further contends wherein in the event of an emergency, the telematics service center performs the algorithm in figure 3, and specifically regarding block 52, would contact the police, fire department, and/or other emergency personnel as a third party for performing the requested service. Examiner also notes wherein Nietupski fails to disclose the specific structure that is included in the remote telematics service center, however based on the disclosure, it is evident that the telematics service center is in communication with said

vehicle telematics unit, and as clearly indicated by Figure 3, includes transmitting and receiving capabilities. Further, a processing based device would be obvious, if not inherent, to process the received information, and used to send messages/signals between the telematics service center and the vehicle telematics unit. Therefore, it would have been obvious, if not inherent, to include a transceiver and a processor at the remote telematics facility for use in said system, providing more efficient communication of information between the telematics service center and the vehicle telematics unit.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892 – Notice of References Cited form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN L. SAMPLE whose telephone number is (571)270-5925. The examiner can normally be reached on Monday-Thursday, 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571)272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. L. S./
Examiner, Art Unit 3664

/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664